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Thomas P. Cheney, Esq.,
City Solicitor
Laconia, New Hampshire

Dear Mr. Cheney:

You have made inquiry as to the legality of cities entering into contracts with labor unions. As you are aware, there are no court decisions on this subject in this state. In rendering opinions on this subject this office has always followed the general rule laid down by Ryhme, Labor Unions and Municipal Employee Law 151:

"The majority view seems to be that any contract between a municipality and a labor union covering terms and conditions of employment of public employees is void as a delegation of public power to a private group, i.e., the union, but there is a minority view to the effect that all such agreements are not in and of themselves illegal, but each agreement must be considered separately upon its specific terms."

In any given case the authority of a city to enter into an agreement with a labor union would depend upon the powers conferred upon the city by its legislative charter. It would be our opinion that unless such power has been specifically granted by the Legislature it should not be inferred.

Please bear in mind that this opinion is advisory only and in no way conclusive of the situation.

Very truly yours,

Henry Dowst, Jr.,
Assistant Attorney General

HD:RM